



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

271 Cadman Plaza East

Brooklyn, New York 11201

EAG/JDG/CMP
F.#2008R00530

September 2, 2011

By Federal Express

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Re: United States v. Thomas Gioeli, et al.
Criminal Docket No. 08-240 (BMC)

Dear Counsel:

Pursuant to our obligations under Brady v. Maryland, 373 U.S. 83 (1963) and following the Court's prior order of November 4, 2009, which directed the government to produce the "source documents and objects leading to the issuance of the government's discovery letter, dated August 12, 2009,"¹ the government hereby discloses information recently obtained from the New York City Police Department's Internal Affairs Bureau ("NYPD IAB") in connection with the murder of Police Officer Ralph Dols on August 25, 1997. As detailed in the enclosed "Investigative Findings" report, the NYPD IAB investigation originated in response to allegations that NYPD members of service had withheld information related to the Dols homicide investigation.

¹ See United States v. Gioeli, et al., No. 08 CR 240 (BMC), ECF Docket No. 442 (filed November 4, 2009).

Adam D. Perlmutter, Esq.
 Samuel M. Braverman, Esq.
 Susan Kellman, Esq.
 September 2, 2011
 Page 2

The government does not concede that the enclosed information is exculpatory or material to the defense, and does not concede that it is obligated in any way to disclose the IAB report or the related NYPD IAB worksheets documenting this investigation. In addition, these materials, of which the government was unaware until very recently, did not "lead to the issuance of the government's discovery letter, dated August 12, 2009." In light of the fact that this information came to the government's attention only recently and thus shortly before trial, however, the government hereby provides both the report and the related NYPD IAB worksheets in an abundance of caution.

Please note that the worksheets and report have been redacted to protect the privacy of the individuals involved in the investigation, particularly given that the vast majority of the information obtained was irrelevant to the Dols homicide and because many of the allegations against the relevant NYPD members of service were ultimately found to have been unsubstantiated and/or unfounded. To the extent that the enclosed NYPD IAB worksheets cite additional documentation or other materials that are relevant to the Dols homicide (as opposed to the ensuing investigation of certain officers on unrelated matters), please contact me with any specific requests in order to arrange to view those materials.

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1289	NYPD IAB Investigative Findings Report, dated May 10, 2001 (Bates numbered 1-15)
1290	CD containing PDF files of IAB worksheets related to the NYPD IAB Investigative Findings Report (10 chronologically-numbered PDF files, each representing a different folder with an individual index)
1291	Police Officer Dols' NYPD sick reports

In addition to these NYPD IAB materials, also enclosed are the following Rule 16 discovery exhibits:

Adam D. Perlmutter, Esq.
Samuel M. Braverman, Esq.
Susan Kellman, Esq.
September 2, 2011
Page 3

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1292	Certified Florida Department of Highway Safety and Motor Vehicles records related to a 1992 two-door Cadillac with VIN #1G6EL13B0NU613917
1293	Florida Department of Highway Safety and Motor Vehicles Registration History Transaction Detail for VIN #1G6EL13B0NU613917

Should you have any questions or requests, please contact us.

Sincerely,

LORETTA E. LYNCH
United States Attorney

By: /s/ Cristina M. Posa
Elizabeth A. Geddes
James D. Gatta
Cristina M. Posa
Assistant U.S. Attorneys

cc: Carl J. Herman, Esq. (by ECF) (w/o enclosures)
Louis V. Fasulo, Esq. (by ECF) (w/o enclosures)
David Stern, Esq. (by ECF) (w/o enclosures)
Jane Fisher-Byrialsen, Esq. (by ECF) (w/o enclosures)
Clerk of the Court (BMC) (by ECF) (w/o enclosures)